

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION**

Nanette Vorath

Plaintiff,

v.

Eastpoint Recovery Group, Inc.

Defendant.

Case No.

**COMPLAINT FOR DAMAGES  
UNDER THE FAIR DEBT COLLECTION  
PRACTICES ACT AND OTHER  
EQUITABLE RELIEF**

**JURY DEMAND ENDORSED HEREIN**

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**PARTIES**

1. Plaintiff is a natural person who resided in Milwaukee, WI at all times relevant to this action.
2. Defendant is a New York corporation that maintained its principal place of business in  
Williamsville, NY at all times relevant to this action.

**JURISDICTION AND VENUE**

3. Pursuant to 28 U.S.C. §1331, this Court has federal question jurisdiction over this matter as it arises under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692 et seq.
4. Pursuant to 28 U.S.C. §1391(b), venue is proper because a substantial part of the events giving rise to this claim occurred in this judicial district.

**STATEMENT OF FACTS**

5. At all times relevant to this action, Defendant engaged in the business of consumer debt collection.
6. Defendant regularly uses the telephone and mail to collect consumer debts that Defendant either purchased or had been hired to collect.

7. The principal source of Defendant's revenue is debt collection.
8. Defendant is a "debt collector" as defined by 15 U.S.C. §1692a(6).
9. As described below, Defendant contacted Plaintiff about an obligation that Plaintiff allegedly owed to HSBC, which had been incurred for personal rather than commercial purposes.
10. This alleged obligation is a "debt" as defined by 15 U.S.C. §1692a(5).
11. As described below, Defendant attempted to collect the debt from Plaintiff, and in so doing, has alleged that Plaintiff owed the debt.
12. Plaintiff is a "consumer" as defined by 15 U.S.C. §1692a(3).
13. On or around September 8, 2011, Defendant's agent or employee, named Joe Blando ("Joe"), telephoned Plaintiff in connection with the collection of the debt. During this communication, Joe threatened to file a suit against Plaintiff in the Milwaukee court system if Plaintiff failed to telephone Defendant by 11:00am the next day.
14. During this communication, Plaintiff notified Joe that Plaintiff had retained an attorney with respect to the alleged debt and provided Plaintiff's attorney's contact information.
15. During this communication, Joe falsely represented that Plaintiff had not retained an attorney because Plaintiff hadn't paid fees in full and Plaintiff's bankruptcy had not been filed in court.
16. Despite the above notice of attorney representation, Defendant's representatives Lindsay Rogers and John Stefano telephoned Plaintiff connection with the collection of the debt on numerous other occasions, including September 19, October 12, October 13, and October 18, 2011.

17. At the time of the above communications, there was no case filed against Plaintiff in the Courts of Milwaukee and Defendant had neither the intent nor the ability to file suit against Plaintiff.

18. Defendant violated the FDCPA.

### **COUNT ONE**

#### **Violation of the Fair Debt Collection Practices Act**

19. Defendant violated 15 U.S.C. §1692c(a)(2) by communicating with Plaintiff notwithstanding knowledge that Plaintiff was represented by an attorney with respect to the debt.

20. In support hereof, Plaintiff incorporates paragraphs 14-16 as if specifically stated herein.

### **COUNT TWO**

#### **Violation of the Fair Debt Collection Practices Act**

21. Defendant violated 15 U.S.C. §1692e by using false, deceptive, or misleading representations or means in connection with the collection of the debt.

22. In support hereof, Plaintiff incorporates paragraphs 13, 15, and 17 as if specifically stated herein.

### **JURY DEMAND**

23. Plaintiff demands a trial by jury.

### **PRAYER FOR RELIEF**

24. Plaintiff prays for the following relief:

- a. Judgment against Defendant for actual damages, statutory damages, and costs and reasonable attorney's fees pursuant to 15 U.S.C. §1692k.
- b. For such other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Macey Bankruptcy Law, P.C.

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